

c. Remarks.

Applicant respectfully requests the Examiner to enter an amendment to the pending claims for the novel structure and the novel method. The amendment to claim 1 adds the following limitation, namely, "a scannable transmittal unique identification means for uniquely identifying each said bleacher chair". The amendment to claims 12 and 13 add the broader limitation of "a unique identification means for uniquely identifying each said bleacher chair." This amendment patentably distinguishes each of the pending claims from the prior art of record and for the reasons further argued in the telephone interview are allowable over the art cited combined with officially noticed statements.

As suggested in our recent telephone interview the rejection of the method claims, namely, claims 11 and 13-15 under 35 U.S.C. 103(a) as being unpatentable over Gleckler et al (4,772,068) in view of Sudbury Taylor Rental is inapplicable to these claims with the now proposed limitation of the unique identification means as a functional element of the bleacher chairs.

Gleckler et al fails to anticipate a bleacher chair having a unique identification means. Moreover, the adjustable legs feature pointed out in your rejection does not support the conclusion that Gleckler et al with this adjustment can meet the numerical ratio limitation in claim 16 and/or fit a bleacher plank and function in the same way as applicant's chair because Gleckler provides three pre-set adjustments to the length of the legs. There is no suggestion in Gleckler that one of these lengths adapts Gleckler et al. to bleachers in the way taught by applicant's disclosure. The functional limitations further patentably distinguish claims 1,3-10, and 12 from Gleckler et al. See, *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Gleckler et al fails to teach bleacher chairs with unique identifications means.

The unique identification means is a key to applicant's novel method recited in claims 13-16 and in claim 11 with the amendatory limitation proffered. Sudbury Taylor Rental teaches of renting chairs for private events, but not chairs for use with bleachers or in combination a bleacher seat with the novel unique identification means used in the manner disclosed by applicant's disclosure.

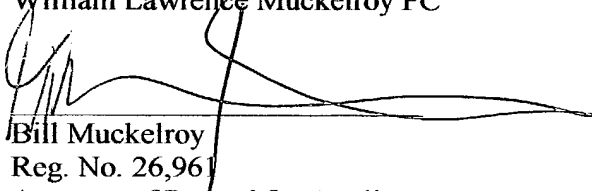
The office has taken official notice that the method of using a computer for storing data, a scannable bar code, a bar code reader, a credit card transaction, and an electronic signature are old and well known in the art and would have been obvious to use with the method of renting Gleckler's adjustable chairs. However, this does not state the extent of applicant's use of a unique identification number, the detailed bleacher chair structure required nor provide supporting reference or affidavit as required by 37 CFR 1.104 (d) (2). Hence, notwithstanding if the Examiner is not persuaded by this amendment to allow the claims as amended, this basis for the rejection should be withdrawn. See, *In re Sang-Su Lee*, 277 F. 3d 1338, 61 USPQ 2d 1430 (Fed. Cir. 2002)

As evinced by the forgoing, neither the combination of the official notice, Sudbury Taylor and/or Gleckler suggest or teach the novel unique identification element of the novel invention as claimed.

In view of the arguments presented in the telephone interview, the above amendment of the claims and detailed analysis, claims 1, and 3-16 as amended recite inventions patentable over the prior art and a notice of allowance is respectfully solicited.

If the Examiner deems additional changes or corrections to the claims necessary it is requested that Examiner call counsel of record at (609) 882-2111 in an effort to promptly resolve same by an Examiner's amendment and/or telephone interview.

Respectfully submitted,
William Lawrence Muckelroy PC



Bill Muckelroy
Reg. No. 26,961
Attorney of Record for Applicant

Dated: May 14, 2004

Phone: 1-609-882-2111/ Fax 1-609-883-3322

Enclosures: Amendment After Final; Certificate of Mailing; Copy of three-month extension request with attorney's check - \$465 fee (mailed 4-13-04); Courtesy copy of Notice of Appeal

ALSO VIA FACSIMILE to 703-872-9327 (After Final Communications)

CERTIFICATE OF MAILING

I hereby certify that this Amendment AFTER FINAL with accompanying documents (Copies of the filed fee and petition for a three-month extension) are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on May 14, 2004.

Typed or printed name of person signing this certificate: Irene Christine

Signature: 